

REMARKS

Applicants acknowledge receipt of the Appeal Decision that affirms the Final Rejection dated January 27, 2006, which rejected all claims under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,532,494 issued to Frank et al. (Frank). In light of the foregoing amendments and following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

Applicants have amended each of the independent claims to include limitations that are not taught or fairly suggested in the sections of Frank cited in the Final Office Action. For example, independent Claim 1 now recites a first node "attempting to gain control of the coordinator virtual device" and "removing the first node... so that the first node of the plurality of nodes lacks access to the portion of the physical data storage device." Applicants have reviewed the cited sections of Frank cited in the Office Action and could find no teaching or fair suggestion of these added limitations either alone or in combination with the remaining limitations of independent Claim 1. As such, Applicants assert that independent Claim 1, and all claims dependent from independent Claim 1, are patentably distinguishable over the cited sections of Frank.

The remaining independent claims have been amended to include limitations similar to the limitations added herein to independent Claim 1 and described above. Applicants assert that the limitations added to the remaining independent claims are not taught or fairly suggested in the sections of Frank cited in the Final Office Action. Accordingly, Applicants assert that all independent claims, and claims dependent therefrom, are patentably distinguishable over the cited sections of Frank.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric A. Stephenson', with a stylized, sweeping flourish at the end.

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